

## CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number \_\_\_\_\_

Meeting Type: Regular

Meeting Date: 5/24/2012

Action Requested By:

Landscape  
Management

Agenda Item Type

Resolution

Subject Matter:

Agency Agreement with Von Braun Center for Science Innovation, Inc.

Exact Wording for the Agenda:

Resolution authorizing the Mayor to enter into an Agency Agreement between the City of Huntsville and Von Braun Center for Science Innovation, Inc., to sponsor the Team USA Greenpower Car Race Team.

**Note: If amendment, please state title and number of the original**

Item to be considered for: Action

Unanimous Consent Required: No

Briefly state why the action is required; why it is recommended; what Council action will provide, allow and accomplish and; any other information that might be helpful.

Associated Cost: 5,000.00

Budgeted Item: Not applicable

MAYOR RECOMMENDS OR CONCURS: Yes

Department Head: *Denise Taylor*

Date: 23 May 2012

**RESOLUTION NO.12-\_\_\_\_\_**

**BE IT RESOLVED** by the City Council of the City of Huntsville, Alabama, that the Mayor be, and is hereby authorized to enter into an Agreement by and between the City of Huntsville and Von Braun Center for Science Innovation, Inc., on behalf of the City of Huntsville, a municipal corporation in the State of Alabama, which said agreement is substantially in words and figures similar to that certain document attached hereto and identified as "AGENCY APPROPRIATION AGREEMENT BETWEEN THE CITY OF HUNTSVILLE AND VON BRAUN CENTER FOR SCIENCE INNOVATION, INC.," consisting of six (6) pages and the date of May 24, 2012, appearing on the margin of the first page, together with the signature of the President or President Pro Tem of the City Council, an executed copy of said document being permanently kept on file in the Office of the City Clerk-Treasurer of the City of Huntsville, Alabama.

**ADOPTED** this the 24th day of May, 2012.

\_\_\_\_\_  
President of the City Council of  
the City of Huntsville, Alabama

**APPROVED** this the 24th day of May, 2012.

\_\_\_\_\_  
Mayor of the City of  
Huntsville, Alabama

**AGENCY APPROPRIATION AGREEMENT  
BETWEEN THE CITY OF HUNTSVILLE  
AND VON BRAUN CENTER FOR  
SCIENCE INNOVATION, INC.**

**STATE OF ALABAMA**

**COUNTY OF MADISON**

**AGENCY APPROPRIATION AGREEMENT**

**THIS AGREEMENT**, made and entered into this 24th day of May, 2012, by and between Von Braun Center for Science Innovation, Inc., hereinafter referred to as "AGENCY", and the City of Huntsville, a municipal corporation in the State of Alabama, hereinafter referred to as "CITY".

**WITNESSETH:**

**WHEREAS**, Agency provides services which confer a public benefit of a reasonably general character; and,

**WHEREAS**, the Von Braun Center for Science Innovation, Inc., wishes to sponsor Team USA Greenpower Car Race Team to enter into an October 14, 2012 event in England; and

**WHEREAS**, both parties acknowledge the receipt of good and valuable consideration supporting the terms and conditions of this agreement.

**NOW, THEREFORE**, for and in consideration of the mutual promises and covenants contained herein, the parties agree as follows:

A. City agrees to donate \$5,000 to the Von Braun Center for Science Innovation, Inc., for the Team USA Greenpower Car Race Team sponsorship.

B. The parties agree that the services provided by Agency serve a legitimate public purpose.

C. Agency agrees that it has no authority to obligate any City funds beyond those appropriated by City for this agreement.

\_\_\_\_\_  
President of the City Council of  
the City of Huntsville, Alabama  
Date: \_\_\_\_\_

**D. E-VERIFY - NOTICE**

The Beason-Hammon Alabama Taxpayer and Citizen Protection Act, Act No. 2011-535, Code of Alabama (1975) § 31-13-1 through 31-13-30" (also known as and hereinafter referred to as " the Alabama Immigration Act") is applicable to contracts with the City of Huntsville. As a condition for the award of a contract and as a term and condition of the contract with the City of Huntsville, in accordance with § 31-13-9 (a) of the Alabama Immigration Act, any business entity or employer that employs one or more employees shall not knowingly employ, hire for employment, or continue to employ an unauthorized alien and shall attest to such by sworn affidavit signed before a notary. Such business entity or employer shall provide a copy of such affidavit to the City of Huntsville as part of its bid or proposal for the contract along with a copy of the Memorandum of Understanding as documentation establishing that the business entity or employer is enrolled in the E-Verify program. The required affidavit forms for the contractor and for subcontractors are included at the end of this notice.

During the performance of the contract, such business entity or employer shall participate in the E-Verify program and shall verify every employee that is required to be verified according to the applicable federal rules and regulations. The business entity or employer shall assure that these requirements are required of every subcontractor in accordance with §31-13-9(c) and shall maintain records that are available upon request by the City, state authorities or law enforcement to verify compliance with the requirements of the Alabama Immigration Act. Failure to comply with these requirements may result in breach of contract, termination of the contract or subcontract, and possibly suspension or revocation of business licenses and permits in accordance with §31-13-9 (e) (1) & (2) or in the case of a subcontractor, in accordance with §31-13- 9 (f) (1) & (2).

**AFFIDAVITS:**

FORM FOR SECTIONS 9 (a) and (b) BEASON-HAMMON ALABAMA TAXPAYER AND CITIZEN PROTECTION ACT; CODE OF ALABAMA, SECTIONS 31-13-9 (a) and (b)  
AFFIDAVIT FOR BUSINESS ENTITY/EMPLOYER /CONTRACTOR

(To be completed as a condition for the award of any contract, grant, or incentive by the State of Alabama, any political subdivision thereof, or any state-funded entity to a business entity or employer that employs one or more employees)

State of \_\_\_\_\_  
County of \_\_\_\_\_  
Before me, a notary public, personally appeared \_\_\_\_\_  
(print name) who, being duly sworn,  
says as follows:

As a condition for the award of any contract, grant, or incentive by the State of Alabama, any political subdivision thereof, or any state-funded entity to a business entity or employer that employs one or

more employees, I hereby attest that in my capacity as \_\_\_\_\_ (state position) for \_\_\_\_\_ (state business entity/employer/contractor name) that said business entity/employer/contractor shall not knowingly employ, hire for employment, or continue to employ an unauthorized alien. I further attest that said business entity/employer/contractor is enrolled in the E-Verify program. (ATTACH DOCUMENTATION ESTABLISHING THAT BUSINESS ENTITY/EMPLOYER/CONTRACTOR IS ENROLLED IN THE E-VERIFY PROGRAM)

\_\_\_\_\_  
Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_.  
I certify that the affiant is known (or made known) to me to be the identical party he or she claims to be.

\_\_\_\_\_  
Signature and Seal of Notary  
Public

**Author:** Jean Brown

**Statutory Authority:** Code of Alabama, sections 31-13-9 (a) and (b); Section 31-13-9 (h).

**History: New Rule:** Filed December 12, 2011; effective December 12, 2011

**820-4-1-.02ER Contents of Acceptable Affidavit Form For Administering Code of Alabama, Section 31-13-9 (c).**

(1) This rule is intended to provide an acceptable form to be completed by subcontractors as a condition for performing work on a project paid for by contract, grant, or incentive by the State of Alabama, any political subdivision thereof, or any state-funded entity.

(2) The form shall appear as follows:

FORM FOR SECTION 9 (c) BEASON- HAMMON ALABAMA TAXPAYER AND CITIZEN PROTECTION ACT; CODE OF ALABAMA, SECTION 31-13-9 (c)

**AFFIDAVIT FOR SUBCONTRACTOR**

(To be completed as a condition for performing work on a project paid for by contract, grant, or incentive by the State of Alabama, any political subdivision thereof, or any state-funded entity)

State of \_\_\_\_\_  
County of \_\_\_\_\_  
Before me, a notary public, personally  
appeared \_\_\_\_\_ (print name) who, being  
duly sworn, says as follows:

As a condition for being a subcontractor on a project paid for by contract, grant, or incentive by the State of Alabama, any political subdivision thereof, or any state-funded entity, I hereby attest that in my capacity as \_\_\_\_\_ (state position) for \_\_\_\_\_ (state subcontractor name), said subcontractor shall not knowingly employ, hire for employment, or continue to employ an unauthorized alien.

I further attest that said subcontractor is enrolled in the E-Verify program prior to performing any work on the project. (ATTACH DOCUMENTATION ESTABLISHING THAT SUBCONTRACTOR IS ENROLLED IN THE E-VERIFY PROGRAM)

\_\_\_\_\_  
Signature of Affiant  
Sworn and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.

I certify that the affiant is known (or made known) to me to be the identical party he or she claims to be.

\_\_\_\_\_  
Signature and Seal of  
Notary Public

**Author:** Jean Brown

**Statutory Authority:** Code of Alabama, section 31-13-9 (c; Section 31-13-9 (h).

**History: New Rule:** Filed December 12, 2011; effective: December 12, 2011

**820-4-1-.03ER Contents of Acceptable Affidavit Form for Administering Code of Alabama, Section 31-13-9 (d).**

(1) This rule is intended to set forth an acceptable form for a direct subcontractor to provide to a contractor on a project paid for by contract, grant, or incentive by the State of Alabama, any political subdivision thereof, or any state-funded entity pursuant to Code of Alabama, section 31-13-9 (d).

(2) The form shall appear as follows:

FORM FOR SECTION 9 (d) BEASON-HAMMON ALABAMA TAXPAYER AND CITIZEN PROTECTION ACT; CODE OF ALABAMA, SECTION 31-13-9 (d)

AFFIDAVIT OF DIRECT SUBCONTRACTOR TO BE GIVEN TO CONTRACTOR

State of \_\_\_\_\_  
County of \_\_\_\_\_

Before me, a notary public, personally appeared \_\_\_\_\_ (print name) who, being duly sworn, says as follows:

I hereby attest that as \_\_\_\_\_ (state position) for the direct subcontractor \_\_\_\_\_ (state business entity/employer/subcontractor name) for \_\_\_\_\_ (state business entity/employer/contractor name) said direct subcontractor has not knowingly employed, hired for employment, or continued to employ an unauthorized alien. I further attest that I have verified each of the above-named direct subcontractor's employee's eligibility for

employment. I further attest that I have in good faith complied with Code of Alabama, Section 31-13-9 (c)\*

\_\_\_\_\_  
Signature  
of Affiant

Sworn to and subscribed before me this \_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.

I certify that the affiant is known (or made known) to me to be the identical party he or she claims to be.

\_\_\_\_\_  
Signature and Seal  
of Notary Public

\*Code of Alabama, Section 31-13-9 (c) provides: "No subcontractor on a project paid for by contract, grant, or incentive by the state [of Alabama], any political subdivision thereof, or any state-funded entity shall knowingly employ, hire for employment, or continue to employ an unauthorized alien and shall attest to such by sworn affidavit signed before a notary. The subcontractor shall also enroll in the E-Verify program prior to performing any work on the project and shall attach to the sworn affidavit documentation establishing that the subcontractor is enrolled in the E-Verify program."

**Author:** Jean Brown

**Statutory Authority:** Code of Alabama, section 31-13-9 (d); Section 31-13-9 (h).

**History:** **New Rule:** Filed December 12, 2011; effective December 12, 2011.

**Signatures on following page.**

IN WITNESS WHEREOF, the parties hereto have executed this agreement on this the 24th day of May, 2012.

CITY OF HUNTSVILLE, ALABAMA

BY: \_\_\_\_\_  
Tommy Battle  
ITS: Mayor

ATTEST:

By: \_\_\_\_\_  
Charles E. Hagood  
Its: Clerk-Treasurer

AGENCY  
VON BRAUN CENTER FOR SCIENCE  
INNOVATION, INC.

BY: \_\_\_\_\_  
ITS: \_\_\_\_\_

WITNESS:

\_\_\_\_\_



# ROUTING SLIP CONTRACTS AND AGREEMENTS

Originating Department: Landscape Management

Council Meeting Date: 5/24/2012

Department Contact: Joy McKee

Phone # 427-5048

Contract or Agreement: Agency Appropriation Agreement

Document Name: Agency Agreement with Von Braun Center for Science Innovation, Inc.

City Obligation Amount: 5,000.00

Total Project Budget:

Uncommitted Account Balance:

Account Number:

## Procurement Agreements

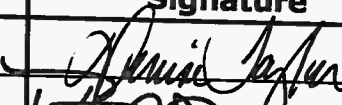



Not Applicable

Not Applicable

## Grant-Funded Agreements

Not Applicable

Grant Name:

Department	Signature	Date
1) Originating		<u>23 May 2012</u>
2) Legal		<u>5-23-12</u>
3) Finance 		<u>5/22</u>
4) Originating		
5) Copy Distribution		
a. Mayor's office (1 copies)		
b. Clerk-Treasurer (Original & 2 copies)		